

### **REMARKS**

Reconsideration of the present application, as amended, is respectfully requested. Claims 1, 6, 9, 30 have been amended. No claims have been cancelled or added.

Examiner objected to the application under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. Applicant is including a copy of the printout of the Assignment record from the USPTO web site, which indicates that both inventors, George Garrick and Scott D. Weaver have assigned their interest in the patent to NetROI. Applicant respectfully submits that the enclosed printout should be sufficient to show ownership interest in the patent.

Examiner rejected claims 1-10, 12-15, 17, and 30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,918,014 to Robinson. Robinson discusses an automatic collaborative filtering for advertising. Robinson points out that "A Smart Ad Box is an area on a web page (usually rectangular) which is used to display Web advertising." (Column 4, lines 9-10) is altered for different views. Thus, Robinson's invention is concerned with altering only the contents of an area on a web page. In contrast, claim 1, as amended recites in part a "having a plurality versions of the test web page, the test web page representing an entire display available when a user visits a particular web site address." In contrast, Robinson discusses a Smart Ad Box, which is not associated with a particular web site address which the user is visiting. Rather, the Smart Ad Box is a small area on a web page being visited by the user. Therefore, claim 1, and claims 2-5 and 31 which depend on it, is not obvious over Robinson.

Similarly, claim 6, as amended, recites in part "having a plurality of versions of the test web pages, a test web page associated with the URL and displayed to a user when the user visits the URL." As noted above, Robinson's Ad box is not associated with the URL visited by the user, but is rather an independently inserted snippet, or page portion. Therefore, claim 6, and claims 7-8 and 32 which depend on it, are not anticipated by Robinson.

Claim 9 similarly recites in part "displaying a version of the web page to a user, the web page associated with a location on the World Wide Web visited by a user by selecting the location address, and the version selected according to a predetermined distribution function." As noted above, Robinson's ad is not associated with a location visited by the user by selecting the location address. Rather, Robinson specifically notes that the content of the Smart Ad Box is loaded from a different address, one that is not selected by the user. Therefore, claim 9, and claims 10-17 which depend on it, are not obvious over Robinson.

Claim 30 recites in part "an HTML code segment indicating an HTML code to indicate a start of a web page." Since Robinson's Smart Ads are not complete web pages, they do not include an indication of a start of a web page. As is well known in the art, HTML standards compliant web pages start with an HTML code, such as <title> to indicate the beginning of the page. Therefore, claim 30 is not anticipated by Robinson.

Examiner rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Robinson in view of "Improving System Usability Through Parallel Design," by Jakob

Nielsen, et al. Nielsen discusses designing and testing of user interfaces. Nielsen's experiment was to observe users navigating various user interfaces, and observing their reactions. Nielsen's article discusses a mock-up of a telephone interface.

Nielsen does not teach or suggest modifying an entire web page, the web page associated with a location on the World Wide Web visited by a user by selecting the location address, as recited in claim 9, which is the parent claim of rejected claim 11. As noted above, Robinson also does not teach or suggest this limitation. Therefore, claim 11 is not obvious over Robinson in view of Nielsen.

Examiner rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Robinson in view of U.S. Patent No. 5,960,409 to Wexler. Wexler discusses a method of accounting for advertising revenue between web pages, using a third party statistical tabulator. Wexler does not teach or suggest using a test web page associated with a URL, as recited in claim 9, which is the parent claim of claim 16. As noted above, Robinson also does not teach or suggest this limitation. Therefore, claim 16 is not obvious over Robinson in view of Wexler.

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit  
account no. 02-2666.

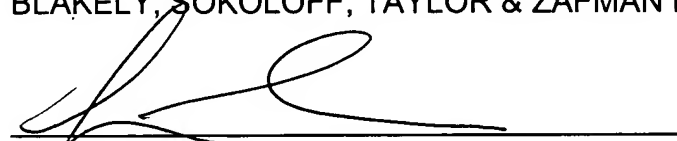
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9/11/05

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Respectfully submitted,

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#### Patent Assignment Abstract of Title

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#### Total Assignments: 3

Patent #: 5968125

Issue Dt: 10/19/1999

Application #: 08787532

Filing Dt: 01/21/1997

Inventors: GEORGE R. GARRICK, SCOTT D. WEAVER

Title: PROCESS FOR OPTIMIZING THE EFFECTIVENESS OF A HYPERTEXT ELEMENT

#### Assignment: 1

Reel/Frame: 008378/0901

Recorded: 01/21/1997

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 01/20/1997

Assignee: NET-ROI

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#### Assignment: 2

Reel/Frame: 008378/0948

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Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 01/20/1997

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**Assignment: 3**

**Reel/Frame:** 008379/0035

**Recorded:** 01/21/1997

**Pages:** 2

**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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